

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AMERICAN MODERN HOME)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:16 CV 215 CDP
)	
AARON THOMAS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

After I granted defendant Aaron and Aimee Thomases' motion to quash the deposition of Carl Welcher, plaintiff American Modern Home Insurance Company filed a motion to alter or amend the Order seeking various forms of alternative relief. I will deny the motion.

When I granted the motion to quash, I stated quite clearly that “the deposition of Carl Welcher will not go forward.” (Order, ECF #93.) American Modern Home now seeks clarification asking whether I meant for the deposition to not go forward only on the day it was originally noticed, that is, March 30, or for it to not go forward at all. It is clear what I meant by the Order given that I granted the Thomases' motion to quash, which requested that American Modern Home not be permitted to depose Welcher on the existing notice or on any amended notice of deposition. I did not qualify my Order or limit it to a particular time frame.


American Modern Home's request that I clarify my Order will be denied.

I will also deny American Modern Home's request that I reconsider my Order or at least set out my reasons for ruling the way I did. I carefully considered the arguments of the parties on the motion to quash and obviously agreed with the Thomases' position, or else I would not have granted their motion. I need not state findings and conclusions when ruling such a motion. Fed. R. Civ. P. 52(a)(3). American Modern Home has presented nothing to persuade me that my ruling was incorrect.

Finally, American Modern Home wants to know the extent to which I will allow it to present evidence and testimony from Welcher at trial. This request is premature and will not be addressed.

Accordingly,

IT IS HEREBY ORDERED that plaintiff American Modern Home Insurance Company's Motion to Alter/Amend the Court's Order Quashing the Deposition of Carl Welcher [95] is **DENIED**.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of May, 2017.